



General Assembly

February Session, 2020

Raised Bill No. 5345

LCO No. 1561



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

**AN ACT CONCERNING STATE REVIEW OF FARMLAND
PRESERVATION TRANSACTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22-26cc of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2020*):

4 (a) There is established within the Department of Agriculture a
5 program to solicit, from owners of agricultural land, offers to sell the
6 development rights to such land and to inform the public of the
7 purposes, goals and provisions of this chapter. The commissioner [, with
8 the approval of the State Properties Review Board,] shall have the power
9 to acquire or accept as a gift, on behalf of the state, the development
10 rights of any agricultural land, if offered by the owner. Notice of the
11 offer shall be filed in the land records wherein the agricultural land is
12 situated. If ownership of any land for which development rights have
13 been offered is transferred, the offer shall be effective until the
14 subsequent owner revokes the offer in writing. The state conservation
15 and development plan established pursuant to section 16a-24 shall be

16 applied as an advisory document to the acquisition of development
17 rights of any agricultural lands. The factors to be considered by the
18 commissioner in deciding whether or not to acquire such rights shall
19 include, but not be limited to, the following: (1) The probability that the
20 land will be sold for nonagricultural purposes; (2) the current
21 productivity of such land and the likelihood of continued productivity;
22 (3) the suitability of the land as to soil classification and other criteria for
23 agricultural use; (4) the degree to which such acquisition would
24 contribute to the preservation of the agricultural potential of the state;
25 (5) any encumbrances on such land; (6) the cost of acquiring such rights;
26 and (7) the degree to which such acquisition would mitigate damage
27 due to flood hazards. Ownership by a nonprofit organization
28 authorized to hold land for conservation and preservation purposes of
29 land which prior to such ownership qualified for the program
30 established pursuant to this section shall not be deemed to diminish the
31 probability that the land will be sold for nonagricultural purposes. After
32 a preliminary evaluation of such factors by the Commissioner of
33 Agriculture, he shall obtain and review one or more fee appraisals of the
34 property selected in order to determine the value of the development
35 rights of such property. The commissioner shall notify the Department
36 of Transportation, the Department of Economic and Community
37 Development, the Department of Energy and Environmental Protection
38 and the Office of Policy and Management that such property is being
39 appraised. Any appraisal of the value of such land obtained by the
40 owner and performed in a manner approved by the commissioner shall
41 be considered by the commissioner in making such determination. The
42 value of development rights for all purposes of this section shall be the
43 difference between the value of the property for its highest and best use
44 and its value for agricultural purposes as determined by the
45 commissioner. The use or presence of pollutants or chemicals in the soil
46 shall not be deemed to diminish the agricultural value of the land or to
47 prohibit the commissioner from acquiring the development rights to
48 such land. The commissioner may purchase development rights for a
49 lesser amount provided he complies with all factors for acquisition
50 specified in this subsection and in any implementing regulations. In

51 determining the value of the property for its highest and best use,
52 consideration shall be given but not limited to sales of comparable
53 properties in the general area, use of which was unrestricted at the time
54 of sale.

55 Sec. 2. Subsection (a) of section 22-26jj of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective October*
57 *1, 2020*):

58 (a) The Commissioner of Agriculture [, with the approval of the State
59 Properties Review Board,] may acquire by purchase or accept as a gift,
60 on behalf of the state, the fee simple title of any agricultural real
61 property and any personal property related to such real property,
62 including, but not limited to, machinery, equipment, fixtures and
63 livestock. The state conservation and development plan established
64 pursuant to chapter 297 shall be used as an advisory document in
65 connection with acquisition of such property. The commissioner, in
66 deciding whether or not to acquire such property, shall consider all of
67 the factors stated in section 22-26cc and shall further consider the
68 likelihood of subsequent sale of such property by the department for
69 agricultural purposes, subject to the state's retention of development
70 rights or future purchase of such development rights if such property is
71 sold to a municipality or a nonprofit organization described in
72 subsection (b) of this section. After a preliminary evaluation of such
73 factors, the Commissioner of Agriculture shall obtain and review one or
74 more fee appraisals of the property in order to determine the value of
75 such property. Each such appraisal shall include an itemization of (1)
76 the total value of the land, (2) the value of the land as agricultural land,
77 (3) the value of the development rights of the land, and (4) the value of
78 any related personal property proposed to be included in any sale. The
79 commissioner shall give notice of any such appraisal to the Departments
80 of Transportation, Economic and Community Development and Energy
81 and Environmental Protection and the Office of Policy and
82 Management. Any such appraisal may be obtained by the owner of the
83 property and, if performed in a manner approved by the commissioner,
84 shall be considered by the commissioner in making such determination.

85 The commissioner may purchase such property for a lesser price than
86 any price suggested by any such appraisal provided all considerations
87 for acquisition specified in this subsection are taken into account. In
88 determining the value of the property, consideration shall be given to
89 sales of comparable properties in the general vicinity.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	22-26cc(a)
Sec. 2	<i>October 1, 2020</i>	22-26jj(a)

Statement of Purpose:

To eliminate the State Property Review Board's review of Farmland Preservation Program transactions in order to expedite their occurrence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]